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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,117	03/12/2004	Daniel P. Guyton	30011.24987	7081

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EXAMINER

EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,117

Applicant(s)

GUYTON ET AL.

Examiner

Joseph F Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 07/29/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1 and 6 are objected to because of the following informalities:
 - a. claim 1, line 11, "the first and second sides" should read --the first and second side panels--;
 - b. claim 1, line 12, "the first and second sides" should read -- the first and second side panels--;
 - c. claim 6, lines 10-11, "the first and second sides" should read --the first and second side panels--;
 - d. claim 6, lines 12-13, "the first and second sides" should read -- the first and second side panels--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,113,188 to Stewart et al.

Stewart et al. disclose a seat apparatus that is basically the same as that recited in claims 1-3 and 6-8 except that the valve connection location is not specified and the

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rear portion height is not specified, as recited in the claims. See Figures 1-7 of Stewart et al. for the teaching that a seat apparatus has a rigid base 12 (Fig. 1), a one-piece inflatable bladder 16 (Fig. 2) with a front portion (Fig. 4), a rear portion (Fig. 3), and first and second trapezoidal shaped side panels (Fig. 2), a first valve 30 (Fig. 4) connected to the bladder, a second valve 32 (Fig. 4) connected to the bladder, a compartment (Fig. 5) located at one of the first and second side panels, a rechargeable, self-contained air compressor 18 (Fig. 5) positioned in the compartment, a hose (see column 3, lines 7-9) operatively connected to an output of the compressor at a first end and to the valve at a second end, and a cover 14 (Fig. 1) positioned over the bladder and connected to the base wherein the front and rear portions initially rise in unison, and the seat apparatus has a valve *capable* of inflation and deflation of the bladder, as recited in claim 1 of instant application. Although Stewart et al. does not show the specific locations the operative connections of the first and second valves on one of the first and second side panels of the bladder, shifting the location of parts would have been within the general skill of a worker in the art and it would have been well within the purview and obvious to locate the first and second valves as claimed. Also, modifying the height of the rear portion of the bladder would have been obvious at the time of the instant application because the use of optimal workable ranges discovered by routine experimentation is ordinarily with the general skill of a worker in the art. Further, it would have been an obvious matter of design choice to modify the height of the rear portion of the bladder since Applicant has not disclosed that having the specific height range solves any stated problem or is for any particular purpose, and it appears that the bladder would

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perform equally well with any well known height range used in the seat art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seat apparatus of Stewart et al. such that the first and second valves are each operatively connected to one of the first and second side panels of the bladder, the rear portion is at least three times the height of the front portion when the bladder is inflated, and the rear portion is approximately 7 inches higher than the front portion at full inflation.

4. Claims 4, 5, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al. as applied to claims 1-3 and 6-8 above, and further in view of U.S. Patent No. 6,264,279 B1 to Chow.

Stewart et al., as modified, disclose a seat apparatus that is basically the same as that recited in claims 4, 5, 9, and 10 except that the cover lacks a connecting means, as recited in the claims. Chow shows a seat apparatus similar to that of Stewart et al. wherein a cover 268 (Fig. 14a) has a removable connecting means and contains material to minimize slippage. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the seat apparatus of Stewart et al. such that the cover has a removable connecting means and contains material to minimize slippage, such as the seat apparatus disclosed in Hayakawa et al. One would have been motivated to make such a modification in view of the suggestion in Chow that the removable cover protects from debris and is water resistant.

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Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to seat apparatuses:

U.S. Pat. No. 5,398,994 to Thomas U.S. Pat. No. 5,918,936 to Murphy

U.S. Pat. No. 5,988,747 to Jeans DE Pat. No. 39 42 160 A1 to Schnäbele

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joe Edell
February 21, 2005